

A-6164

Special Permit Request

Widen an existing concrete driveway that would measure a maximum of forty (40) feet in width in the rear (north) yard of the property. A portion of the existing driveway would be removed.

Mr. & Mrs. Thomas Conaghan
5628 Western Avenue

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
JULY 9, 2012 MEETING
STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 7/5/2012

SUBJECT: HEARING OF CASE NO. A-6164 SPECIAL PERMIT REQUEST
MR. & MRS. THOMAS CONAGHAN, 5628 WESTERN AVENUE
WIDEN AN EXISTING CONCRETE DRIVEWAY THAT WOULD MEASURE A MAXIMUM OF
FORTY (40) FEET IN WIDTH IN THE REAR (NORTH) YARD OF THE PROPERTY. A PORTION
OF THE EXISTING DRIVEWAY WOULD BE REMOVED.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

FINDINGS REQUIRED:

1. That the proposed special permit is authorized by the Village building regulations.
2. That the proposed special permit will not adversely affect the public health, safety or welfare nor the reasonable use of the adjoining properties.
3. That the proposed special permit can be granted without substantial impairment of the purpose and intent of the Village building regulations.
4. That the structure authorized by the proposed special permit would not violate the covenants applicable to the subject property.

APPLICABLE COVENANTS:

None; covenants are not applicable for Special Permits authorized by Section 8-26 of the Village Code.



Figure 1: View of the existing driveway at the SUBJECT PROPERTY. The portion of the driveway beyond (towards the house side of) the solid blue line would be removed and planted with grass. The dashed line approximately delineates the area of new parking.

FACTUAL AND BACKGROUND INFORMATION:

The property is located on the north side of Western Avenue and abuts a private alley shared by properties along both Western Avenue and Grove Street between Cedar Parkway and Oliver Street. (The rear property line of these properties is the center of the alley-see plat supplied by Applicants.)

The current driveway consists of three parts: a parking area abutting the alley that accommodates two cars; a driveway to the garage; and an apron abutting the two-car garage (see plan supplied by the Applicants.)

The Applicants are in the process of renovating the house and intend to convert the garage to a family room, which would require an areaway for egress (see plan provided by the Applicants.)

The Applicants propose to remove a portion of the driveway measuring approximately twenty-eight (28) feet in length from the face of the existing garage and to widen the parking area abutting the alley (see plans provided by the Applicants.)

The Applicants state that the project will result in a net reduction of 106.3 square feet in impervious surface.

To date there have been no letters received from abutting and confronting neighbors regarding the request.

The Village arborist has assessed the project and determined that there are no tree protection issues.

Applicable Fees: Special Permit Fee: \$300.00; Building Permit Application for Driveways and Features at Grade: \$30.00. Total: \$330.00.

OTHER INFORMATION:

The property to the east of the Subject Property, 5632 Western Avenue, has a driveway almost matching in size that which the Applicants propose to construct (see below photo). There are no permit records for when the work at that address was installed or if a special permit was granted for the project. (The Applicants do not propose to install a fence at the end of the parking area. The length of existing fencing at the Subject Property immediately abutting the alley would be reduced.)



Figure 2: View of the driveway at 5632 Western Avenue, immediately to the east of the Subject Property, which has a similar design and size as proposed by the Applicants for their own property.

RELEVANT PRECEDENTS:

Many of the precedents related to driveway special permit requests involve requests for circular driveways (which have more than one curb cut), requests for “turnarounds”, or requests for aprons wider than allowed in front of two-car garages, none of which are applicable in this case. This request does not involve an additional curb cut. The most relevant precedents are as follows:

On November 9, 1999, Ms. Susan Gallagher and Mr. Michael Williams of 21 Oxford Street were granted permission to expand an existing driveway an additional fifteen (15) feet, increasing the total width of the driveway to forty-five (45) feet at the property line. In that case, there was a driveway entered from East Melrose Street as well as a garage on Brookville Road. The Applicants proposed to remove the driveway in the west side yard, to replant the area with grass, and to relocate the parking provided by that driveway to an expanded parking area adjacent to the garage accessed from Brookville Road. In September 2010, Mr. & Mrs. Stephen C. Conley of 9 West Lenox Street were granted a special permit to replace and expand an existing gravel driveway with a paver driveway. The proposed apron and turnaround area was located on private property and has a maximum width of fifty-four (54) feet. On July 11, 2011, Ms. Laura Billings and Mr. David O’Neil of 5803 Kirkside Drive were granted permission to replace an existing concrete driveway with a brick driveway that measured a maximum of sixteen (16) feet in width in the Kirkside Drive public right-of-way and to replace an existing concrete driveway with a brick driveway that measured a maximum of twenty (20) feet in width on private property. On June 11, 2012, Mr. & Mrs. Tony Schall of 103 Grafton Street were granted a request to widen an existing driveway that would measure a maximum of sixteen feet in width.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the special permit request in case A-6164, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of July, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6164
MR. & MRS. THOMAS CONAGHAN
5628 WESTERN AVENUE
CHEVY CHASE, MARYLAND 20815**

The applicants have filed a request for a special permit pursuant to Section 8-11 of the Chevy Chase Village Code to widen an existing concrete driveway that would measure a maximum of forty (40) feet in width in the rear (north) yard of the property. A portion of the existing driveway would be removed.

The Chevy Chase Village Code § 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length.

Additional information regarding this case may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 28th day of June, 2012.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6164

**MR. & MRS. THOMAS CONAGHAN
5628 WESTERN AVENUE
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Victor Fisher Or Current Resident 5624 Western Avenue Chevy Chase, MD 20815	Mr. & Mrs. Thomas J. Egan Or Current Resident 5632 Western Avenue Chevy Chase, MD 20815
Mr. & Mrs. Thomas E. Giles Or Current Resident 3908 Oliver Street Chevy Chase, MD 20815	Ms. Carole Sue Lebbin & Mr. Phillip Spector Or Current Resident 3912 Oliver Street Chevy Chase, MD 20815
Mr. Bailey C. Adams Or Current Resident 5625 Grove Street Chevy Chase, MD 20815	

I hereby certify that a public notice was distributed to the aforementioned property owners on the 28th day of June, 2012.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

CHEVY CHASE VILLAGE

ESTABLISHED 1890

June 28, 2012

Mr. & Mrs. Thomas Conaghan
5628 Western Avenue
Chevy Chase, MD 20815

Dear Mr. & Mrs. Conaghan:

Please note that your request to widen the driveway at your property is scheduled before the Board of Managers on Monday, July 9, 2012 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

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Chair

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VILLAGE MANAGER
SHANA R. DAVIS-COOK

Chevy Chase Village
Building Permit Application for
Driveways and Other Features at Grade

Permit No: **A-6164**

Property Address: **5628 WESTERN AVENUE**

Resident Name: **THOMAS & STEPHANIE CONAGHAN**

Daytime telephone: **ARCHITECT: (202) 332 5416**

Cell phone: **ARCHITECT: 202 390 0955**

After-hours telephone:

E-mail: **OWNER: theconaghanse@yahoo.com ARCHITECT: mike@hamiltonsnowber.com**

Primary Contact for Project:

☐ Resident

☒ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

ARCHITECT
Contractor Contact Information:

Name: **MICHAEL ROUSE / CHRIS SNOWBER**

Daytime telephone: **202 - 332 - 5416** After-hours telephone: **202 - 390 - 0955**

E-mail: **mike@hamiltonsnowber.com**

Check all that apply:

☒ Driveway (If a new curb cut is required, note additional fee.)

☐ Walkway

☐ Patio, terrace, or deck at grade

Check all appropriate boxes:

Feature is: ☐ new;

☒ an enlargement of an existing feature; and/or

☐ being relocated.

☐ Feature is a replacement in-kind and in the same location.

Description of project: **ENLARGE EXISTING PARKING AREA AT REAR OF PROPERTY. FROM 28'-0"(w) x 15'-0" TO 40'-0"(w) x 20'-0"(d). LANDSCAPING WALLS TO MATCH EXISTING (STUCCO ON CMU W/ BLUESTONE CAP).**

To be completed by Village staff:

Is this property within the historic district?

Yes

☒ No

Staff Initials: **SB**

Date application filed with Village: **6/18/12** Date permit issued: _____ Expiration date: _____

Guidelines for Building, Replacing and Maintaining Driveways

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please contact the Historic Preservation Commission directly.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to the illustration below for an example of these components.

(1) Driveways on Private Property

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen feet (15') in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty feet (20') from the face of the garage. The Code applies this accommodation only for two-car garages.

(2) Driveways on the Public Right-of-Way

All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten feet (10') in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

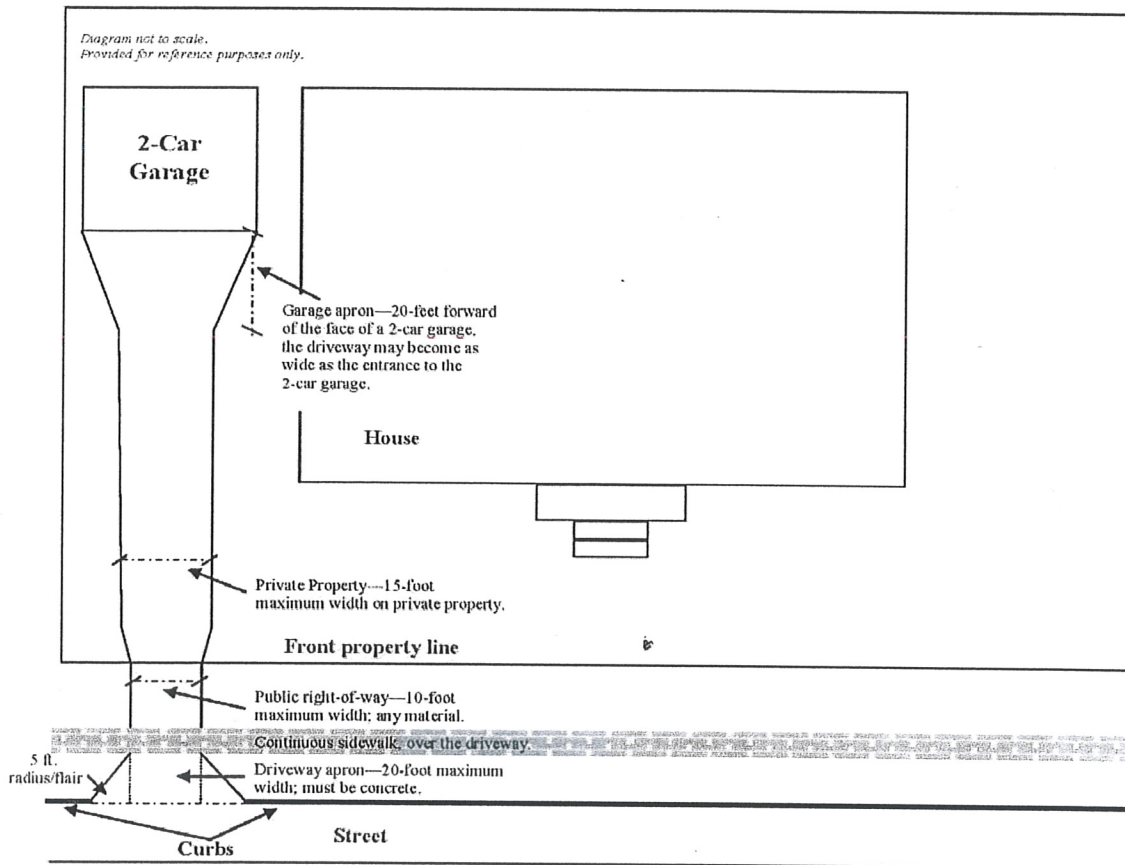
(3) Driveway Aprons

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten foot (10') maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five foot (5') radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty feet (20'). While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

Unlike other improvements in the public right-of-way, a **License to Use the Public Right-of-Way** is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.

Example:



Building Permit Application Filing Requirements

Application will not be reviewed until the application is complete

- ☒ Copy of stamped approved plans from Montgomery County.
- ☒ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and proposed features.
- ☒ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days. If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed. No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct; that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Steph A. Cpl **Date:** 6/18/2012

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons: <div style="border: 2px solid black; padding: 5px; display: inline-block; text-align: center;"> DENIED JUN 20 2012 Chevy Chase Village Manager </div> <i>Deny Gary. The proposed driveway would exceed the maximum allowed by Code of fifteen feet (15').</i>

Filing Fees (due when application submitted)	Checks Payable to: <div style="text-align: right;"> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 </div>
Permit Filing Fee: <input checked="" type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input type="checkbox"/> \$15.00 (if a replacement in-kind and in the same location) <input type="checkbox"/> \$50.00 for new curb cut.	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <i>TBD</i> <input type="checkbox"/> Not required for this project	
TOTAL Fees: <i>check # 1834</i> <i>30.00</i>	Date: <i>6/18/12</i> Staff Signature: <i>[Signature]</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Staff Signature:

For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
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Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property: 5628 WESTERN AVENUE	
Describe the Proposed Project: ENLARGE EXISTING PARKING AREA AT REAR OF PROPERTY TO CREATE A 40'-0(W) X 20'-0(D) CONCRETE PAD. PAD TO BE AT LEVEL OF EXISTING ALLEY WITH STUCCO RETAINING WALLS.	
Applicant Name(s) (List all property owners): THOMAS & STEPHANIE CONAGHAN.	
Daytime telephone: ARCHITECT (202) 332-5416	Cell: ARCHITECT: (202) 390-0955 OWNER: (301) 633-4462
E-mail: OWNER: THECONAGHANS@yahoo.com	ARCHITECT: OWNER: mike@hamiltonsnruber.com
Address (if different from property address):	
For Village staff use:	Date this form received: 6/18/12 Special Permit No: A-6164

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. If there are no covenants, provide a letter from an attorney or the title insurance carrier stating that there are no covenants.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature:

Thomas P. Conaghan

Date:

6/18/12

Applicant's Signature:

Steph A. Conaghan

Date:

6/18/2012

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

SEE ATTACHMENT

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

SEE ATTACHMENT

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

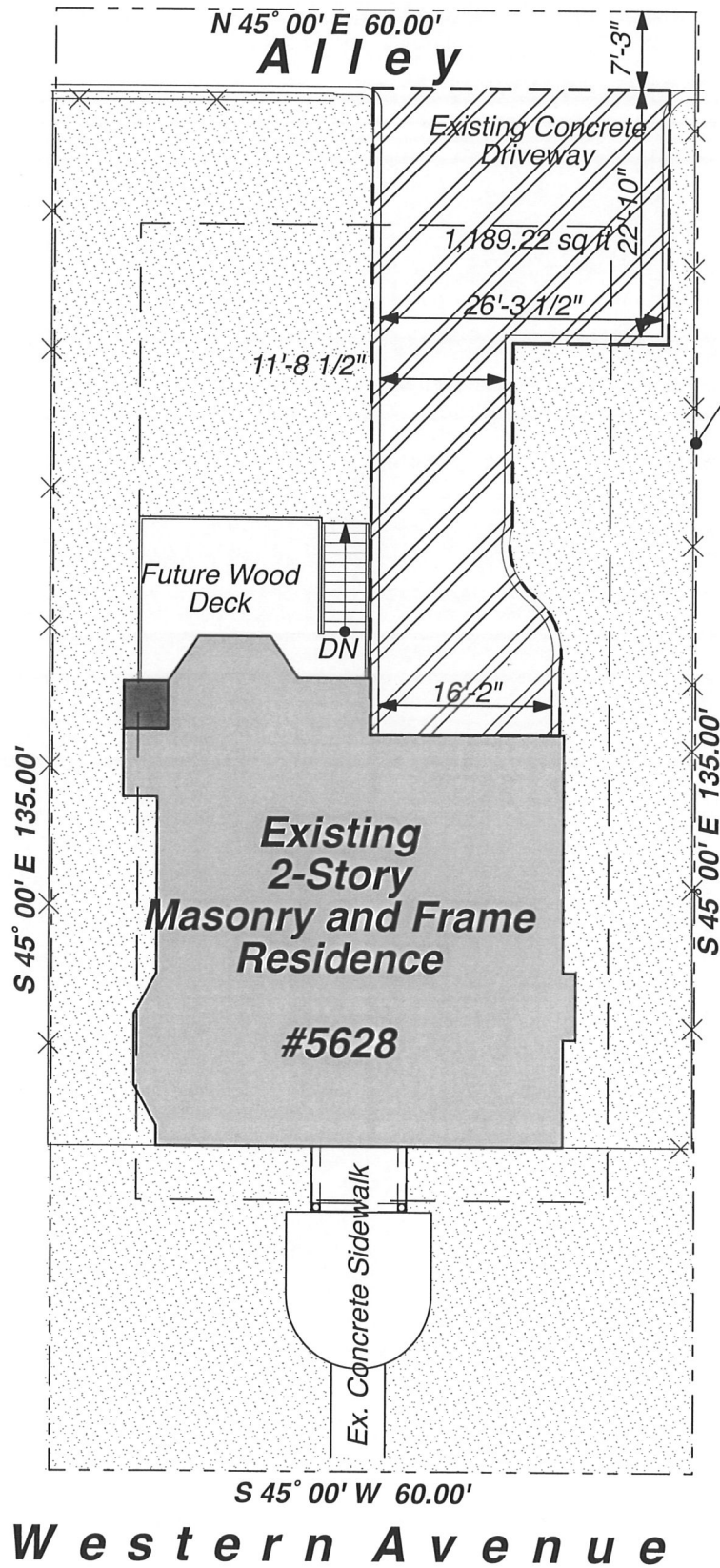
<p>Special Permit Filing Fees</p>	<p>Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p>
<p><i>Per Village Code Sec. 6-2(a)(24):</i></p> <p><input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p>Fee Paid: \$300.00</p>	<p>Date Paid: 6/18/12</p> <p>Staff Signature: [Signature]</p> <p>Check # 1839</p>

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

1. See below.

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled Buildings and Building Regulations:

1. The proposed parking area will not adversely change the character of the property, and will add green space to the rear yard. Currently, the driveway bisects the rear yard and limits the amount of useable green space. With the new parking pad layout, the green area in the rear yard will be increased by covering over the existing driveway that leads into the garage. As a result, the new parking pad will decrease the impervious cover in the rear yard from 1,189.22 square feet (parking area plus existing driveway) to 1082.92 square feet (revised parking area and sunken patio).
2. The proposed parking area will not block views from neighboring properties due to the natural topography of the rear yard with adjoining properties. Currently, the rear yard is 2 to 3 feet above the level of the alley and existing parking pad. We are proposing to keep the existing level for the new parking area. In addition, the existing parking area is screened from the adjoining neighbors by existing wooden fences and landscaping.
3. The proposed parking area will not create unsafe conditions for parking the automobiles. Vehicular safety in the public alley is significantly greater than on Western Avenue.
4. There are several reasons why we feel that this special permit should be granted.
 - (1) The property fronts Western Avenue, a street that does not allow unlimited on-street parking, thus limiting the amount of parking available to the Owners. Western Avenue in front of the property restricts parking to overnight (6:30pm-7am) and limits it to 2 hours between the hours of 9:30 am and 4:00 pm.
 - (2) The alley behind the property has many garages and parking areas for neighboring properties. The immediate side property to the east (5632 Western Avenue), has a similar parking arrangement to the layout proposed here.
 - (3) Due to the parking area's location in the rear yard, there is limited visual impact to public right-of-ways.



Existing 6'-0" high wooden fence, typ. all fences on property.

HAMILTON
SNOWBER

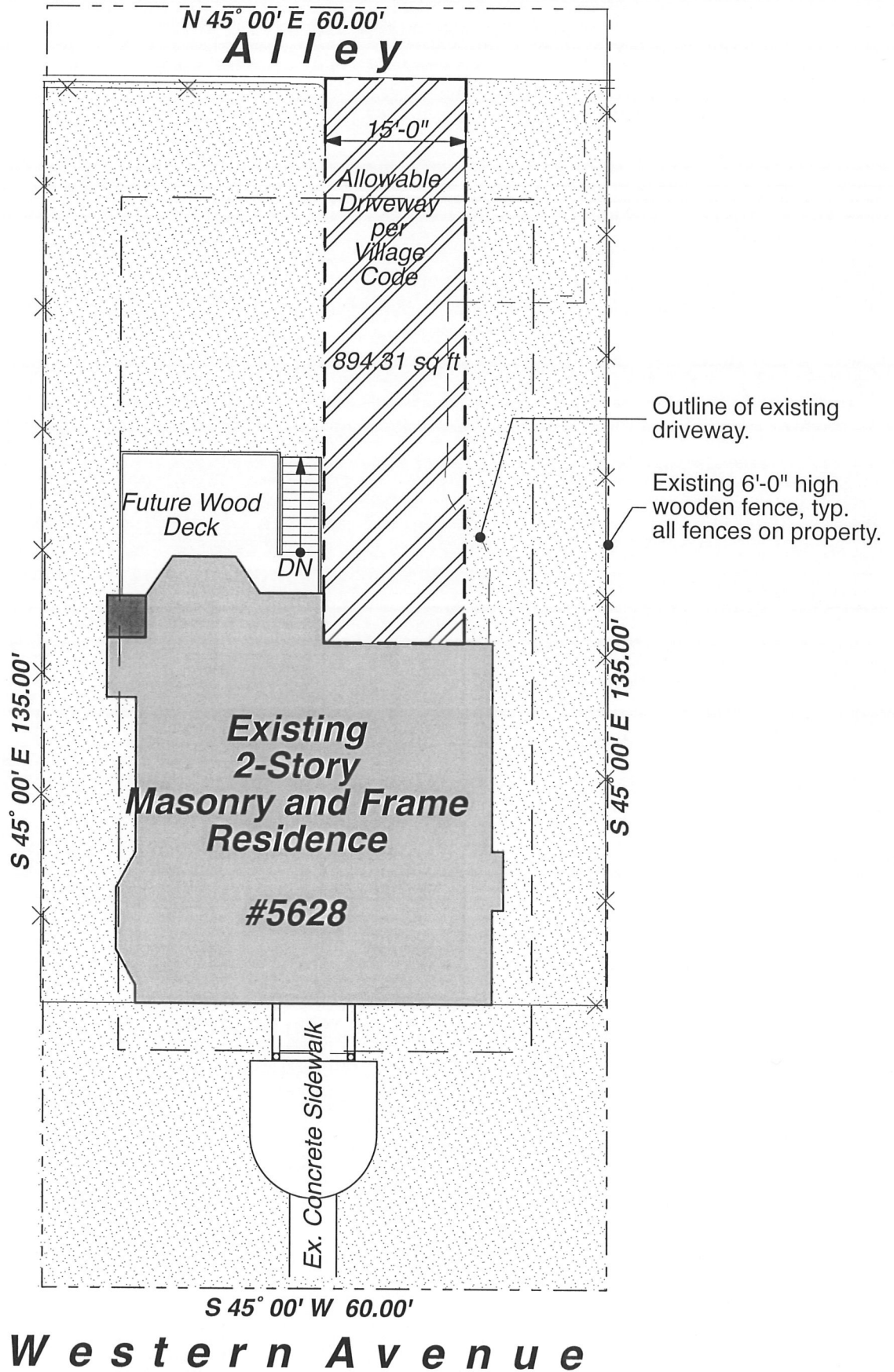
Architects

Existing Driveway

Conaghan Residence

5628 Western Avenue
Chevy Chase, MD 20815
18 June 2012
Special Permit-Driveway
1/16" = 1'-0"

14



HAMILTON
SNOWBER

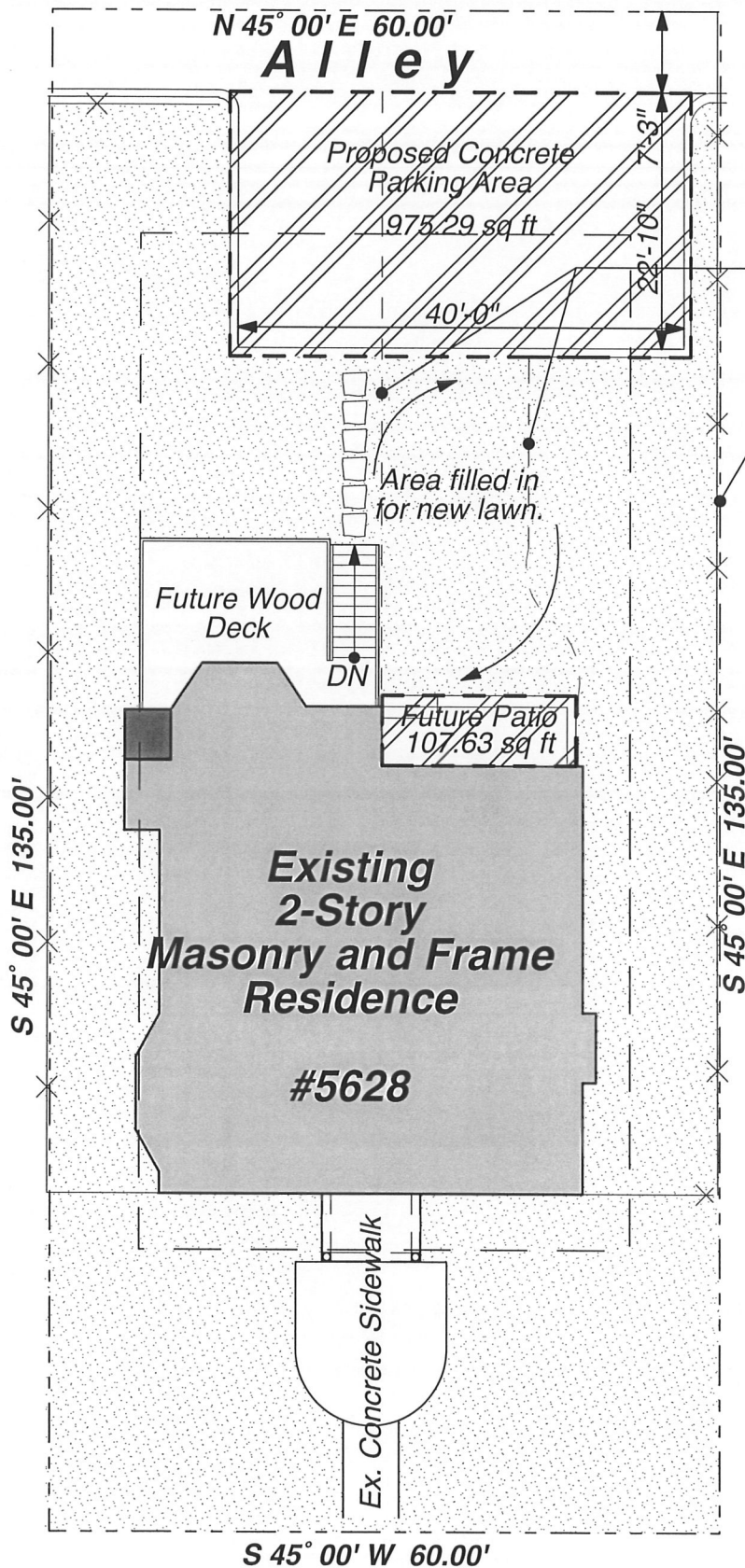
Architects

Driveway Allowable by Village Code

Conaghan Residence

5628 Western Avenue
Chevy Chase, MD 20815
18 June 2012
Special Permit-Driveway
1/16" = 1'-0"

15



Dashed line represents extents of existing driveway.

Existing 5'-0" high wooden fence, typ. all fences on property.

HAMILTON
SNOWBER

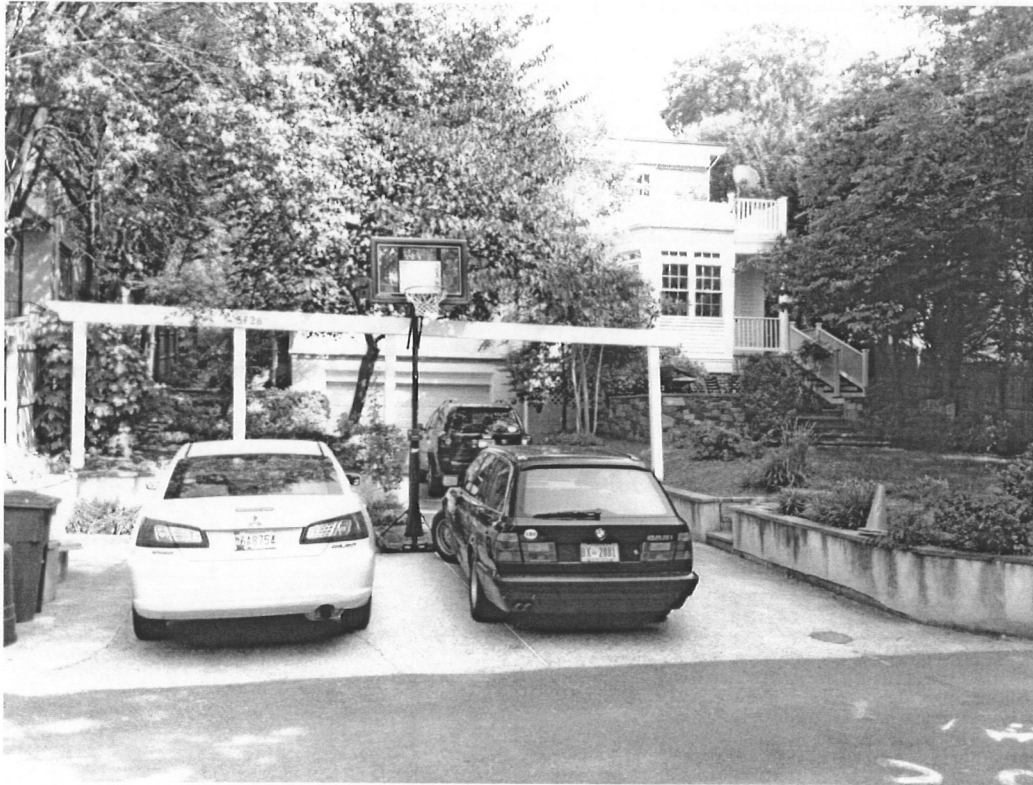
16
Architects

Proposed Driveway Configuration

Conaghan Residence

5628 Western Avenue
Chevy Chase, MD 20815
18 June 2012
Special Permit-Driveway
1/16" = 1'-0"





View of Rear Yard



Alley View towards Southwest



Alley View towards Northeast

HAMILTON
SNOWBER

Architects

Photos of Alley

Conaghan Residence

5628 Western Avenue
Chevy Chase, MD 20815
18 June 2012
Special Permit-Driveway
1:3.33, 1:2.22

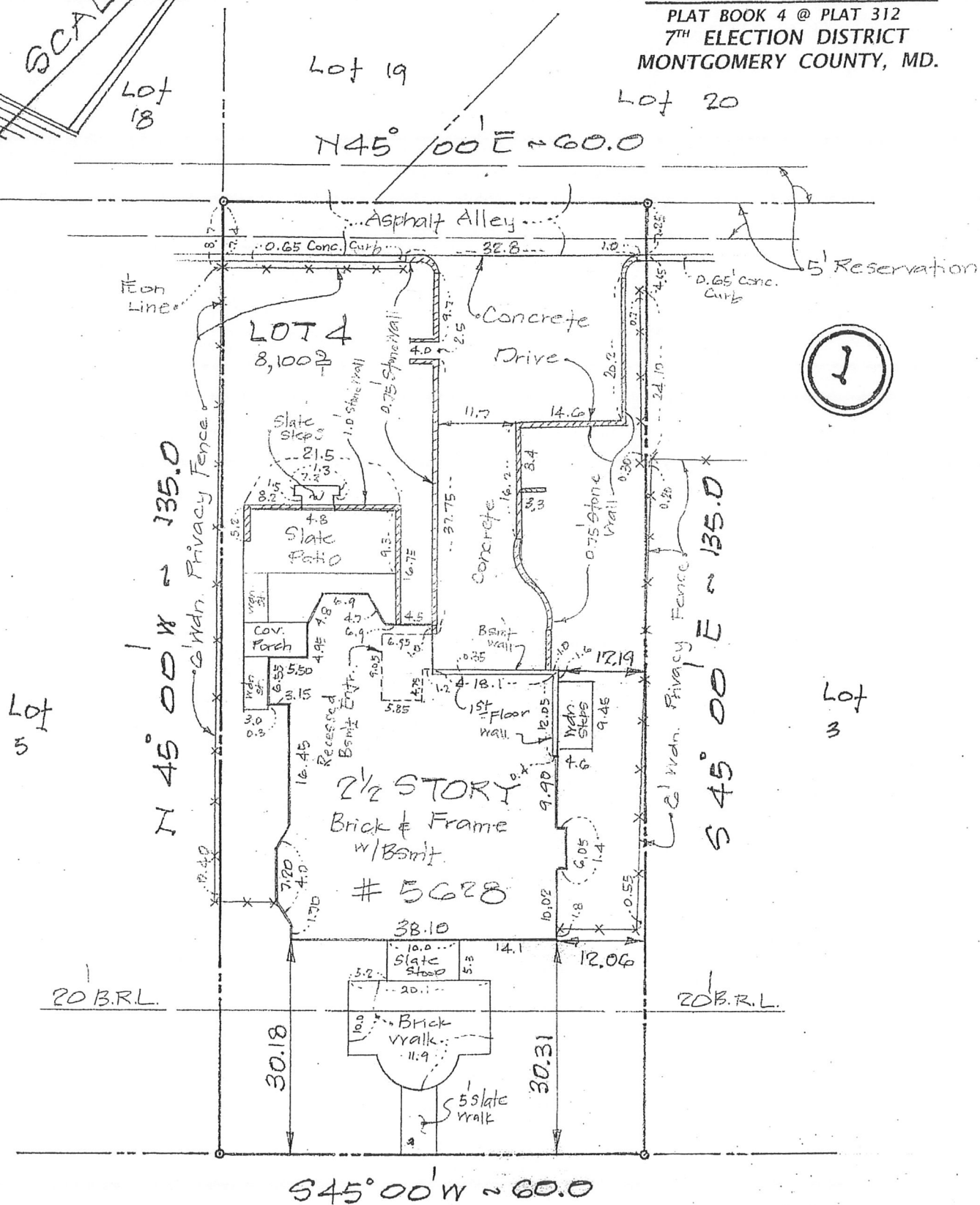


LOT 4, BLOCK "1"
SECTION 1

CHEVY CHASE

PLAT BOOK 4 @ PLAT 312
7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MD.

SCALE: 1" = 20'



WESTERN (90W) AVENUE